



LEAGUE OF
CALIFORNIA
CITIES



URBAN COUNTIES
OF CALIFORNIA



April 19, 2022

The Honorable Luz M. Rivas
Chair, Assembly Committee on Natural Resources
1020 N Street, Room 164
Sacramento, CA 95814

Re: AB 2237 (Friedman): Transportation planning: regional transportation improvement plan: sustainable communities strategies: climate goals.
Notice of OPPOSITION *(As Amended April 18, 2022)*

Dear Assembly Member Rivas,

On behalf of the League of California Cities (Cal Cities), the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), who collectively represent cities and counties throughout the state, we respectfully **oppose AB 2237 (Friedman)**, which takes an overly prescriptive approach that strips away regional and local flexibility to meet the greenhouse gas (GHG) emission reduction targets expected under SB 375 (Steinberg, 2008).

We are concerned the AB 2237 is based on the conclusions of the California Transportation Assessment Report (AB 285, 2019) due to limitations of the data reviewed to create the report, including the exclusion of local project-level data provided pursuant to SB 1 (Beall, 2017). The report relies heavily on Federal Transportation Improvement Program (FTIP) data sets, which exclude many local complete streets and maintenance expenditures, which are broadly consistent with state transportation climate goals, as well as significant transit funding. As a result, the report incorrectly concludes that a disproportionate amount of transportation funds have been, and continue to be spent on capacity increasing highway and road projects. The AB 285 Report lacks important granular data such as transit operating and maintenance costs, and local fix-it-first expenditures, which are not included in the FTIPs.

Project-Level Consistency Determinations and Rankings

AB 2237 would upend the existing framework for regional transportation planning in the state's metropolitan areas in favor of a new ranking process, which would prohibit any project that induces vehicle miles travelled. Local

governments are working collaboratively and dedicated to developing sustainable community strategies (SCS) to align both regional transportation projects with the state's climate goals. Despite a multi-billion-dollar shortfall, SB 1 has enabled cities and counties to make life-saving safety improvements; expand pedestrian, bicycle and transit access and opportunities. However, AB 2237 could threaten critical resources that maintain our state's adopted fix-it-first practice, at best, creating significant uncertainty and at worst imperiling projects to repair our local streets and roads in an environment with rapidly increasing costs and an already aging infrastructure.

Determining Consistency with State Goals

We have significant questions and concerns with how consistency with the various state plans and documents listed in Section 2 would be determined. Although we believe regional and local transportation expenditures are aligned with the Climate Action Plan for Transportation Infrastructure (CAPTI) goals, especially its "foundation [on] the 'fix-it-first' approach established in SB 1," we object to codifying a requirement that local and regional transportation expenditures be consistent with a plan that has no specific statutory authorization, and which has been characterized by the Administration as a "living document." The California Transportation Plan (CTP) is similarly aligned with many regional and local transportation projects, but the plan's aspirational nature and lack of a formal fiscal constraint makes consistency determinations difficult. Finally, while we support regionally-directed transportation planning to achieve greenhouse gas reduction goals, we are concerned with AB 2237's pivot to project-level consistency determinations and are concerned that it could preclude a GHG-neutral fix-it-first or safety project, or the rare capacity-increasing project that is included in a broader regional plan that reduces emissions, but is necessary for other important transportation goals. A project should be considered consistent with state climate goals by virtue of being included in an SB 375 compliant SCSs that must be reviewed and approved by CARB.

Roles and Responsibilities of Metropolitan Planning Organizations

We do not object to forming a taskforce to review the roles and responsibilities of metropolitan planning organizations, but any such review must include a statutory requirement for consultation with regional and local governments and the organizations representing these entities. Moreover, we are concerned with the potential implications of a requirement to define "sustainable community," and question whether a universal definition could exist for the urban, suburban, and rural communities we represent.

For these reasons, Cal Cities and CSAC **oppose AB 2237 (Friedman)**. If you have any questions, please do not hesitate to contact Damon Conklin at dconklin@calcities.org or Chris Lee at clee@counties.org. Kiana Valentine (UCC) at kiana@politicogroup.com, or Sidd Nag (RCRC) at snag@rcrcnet.org.

Sincerely,



Damon Conklin
Cal Cities



Christopher Lee
CSAC



Kiana Valentine
UCC



Siddharth Nag
RCRC

cc: The Honorable Chris Holden, Chair, Assembly Appropriations Committee
Honorable Members, Assembly Appropriations Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Joe Shinstock, Consultant, Assembly Republican Caucus



LEAGUE OF
CALIFORNIA
CITIES



April 18, 2022

The Honorable Laura Friedman
Member, California State Assembly
1021 O Street, Suite 6310
Sacramento, CA 95814

**RE: Assembly Bill 2438 (Friedman): Local transportation funding: alignment with state plans
As amended March 21, 2022 – OPPOSE UNLESS AMENDED
Referred to the Assembly Committee on Appropriations**

Dear Assemblymember Friedman:

The California State Association of Counties (CSAC), the League of California Cities (Cal Cities), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC) have regrettably taken an oppose unless amended position on your Assembly Bill 2438. This bill would retroactively impose new requirements on vitally important funding that local governments receive pursuant to SB 1 (Beall, 2017) for local street and road maintenance, as well as safety and active transportation projects. The bill would also give the Administration unprecedented levels of control in setting priorities that apply to a broad array of transportation funding programs, both competitive and formula based.

Our organizations broadly support the state's efforts to promote multimodal transportation opportunities as a means of achieving state environmental goals. In fact, increasing funding for local streets and roads in the face of significant shortfalls for maintaining existing roadways (\$37.6 billion shortfall over the next decade) and their essential complete streets components (\$22.1 billion shortfall over the next decade) will be vital, as local roadways, rather than state highways, are the primary right-of-way for transit, as well as people walking or riding bikes. Unfortunately, AB 2438 shifts the authority for prioritizing transportation investments too far away from local decision-making in favor of the state-- especially the Administration. Moreover, the bill's requirements for consistency with various state plans and policies are unclear, and could be at odds with statutory purposes of some funding programs.

Local Road Maintenance and Rehabilitation Account Spending Already Aligned with State Goals

AB 2438 appears to be based on the premise that flexible local transportation subventions are being spent contrary to state priorities and additional state oversight is warranted. SB 1 established unprecedented levels of project reporting from cities and counties as a prerequisite for receiving Road Maintenance and Rehabilitation Account (RMRA) formula funding. A review of the data submitted in these reports illustrates how local agencies are focusing on system preservation, while also retrofitting local streets and roads to improve safety and provide multimodal access for people walking and riding bikes.

During the first two and a half fiscal years when SB 1 RMRA funds were available, cities and counties reported spending \$1.5 billion to complete over 3,100 projects, with another 1,300 plus projects in progress. In addition to repairing 10,000 miles of local roads, local governments also installed or improved

4,700 Americans with Disabilities Act curb ramps and over 1,223 miles of bicycle lanes. These vital multi-modal projects were delivered through maintenance programs, whereas prior to SB 1 they may have required limited, competitive funding from the Active Transportation Program or federal funds. Given the demonstrated local government focus on system preservation, safety, and promoting active modes that directly support the state's climate goals, we question the need for additional state oversight of SB 1 local RMRA spending.

Climate Action Plan for Transportation Infrastructure (CAPTI) Explicitly Excluded Local Formula Funds

The state's Climate Action Plan for Transportation Infrastructure (CAPTI) was developed to implement the Governor's Climate Change Executive Order (N-19-19) and describes CalSTA's plans to invest *discretionary* state transportation funds to address climate change and promote public health, safety, and equity. Our organizations reviewed the draft CAPTI in consideration of its limited focus, exclusive of local formula transportation formula funding. Although we believe local transportation expenditures are aligned with CAPTI goals, especially its "foundation [on] the 'fix-it-first' approach established in SB 1," we object to codifying a requirement that local and regional transportation expenditures be consistent with a plan that has no specific statutory authorization, and which has been characterized by the Administration as a "living document."

California Transportation Plan Consistency

We support AB 2438's requirement that the California Transportation Plan (CTP) consider actual funding available for implementation. This simple policy change will help facilitate more meaningful comparisons between various state, regional, and local transportation plans. It will also better illustrate the difficult tradeoffs between different transportation priorities—for example, how do local governments address deferred maintenance and preservation while also making costly capital improvements to facilitate walking and biking. While the state law governing the CTP (Government Code Section 65072.1(d)) already requires consideration of system preservation, adding a fiscal constraint to the planning process should be a prerequisite to requiring consistency between the CTP and specified local and regional plans and funding programs.

Consistency with Greenhouse Gas Reduction Goals

We are uncertain what the requirement for consistency with the state's greenhouse gas emissions reductions goals will mean in practice and whether this consistency requirement will be applied on a programmatic basis or to each individual project. For many local road projects, there are greater greenhouse gas emissions associated with the physical construction of the roadway than its ongoing operations—once again providing a strong rationale for a continued fix-it-first approach. We are uncertain, however, whether a fix-it-first or safety improvement project that has a negligible impact on driving or greenhouse gas emissions would be deemed consistent with greenhouse gas emissions reduction goals pursuant to AB 2438 and how that determination would be made. The bill also seems to depart from a program-level analysis of the impacts of transportation investments on greenhouse gas emissions, in favor of reviewing individual projects or programs. We would be concerned if a capacity-increasing project that is consistent with a regional plan that reduces greenhouse gas emissions would be deemed inconsistent with state transportation goals pursuant to AB 2438.

Our organizations have appreciated the initial conversations with your staff about our questions and concerns with AB 2438. We look forward to working with you but have taken an "oppose unless amended" position based on our significant concerns with the current version of the bill. If you need additional information about our position on AB 2438, please contact Chris Lee (CSAC) at clee@counties.org, Kiana Valentine (UCC) at kiana@politicogroup.com, Damon Conklin (Cal Cities) at dconklin@cacities.org, or Sidd Nag (RCRC) at snag@rcrcnet.org.

Sincerely,



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cc: The Honorable Chris Holden, Chair, Assembly Appropriations Committee
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